## REMARKS

In the outstanding Office Action, the Examiner rejected pending claims 1 and

3-10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,909,183 to

Borgstahl et al. ( "Borgstahl") in combination with U.S. Patent No. 5,452,291 to

Eisenhandler et al. ("Eisenhandler") and U.S. Patent No. 6,199,136 to Shteyn

("Shteyn"). By this amendment, Applicant has amended claims 1, 3, 7, 9, and 10.

Support for Applicant's amendment may be found in the specification at, for example,

page 7, lines 5-9, and page 11, lines 22-23. Claims 1, and 3-10 remain pending.

Regarding the Examiner's rejection of claims 1 and 3-10 under 35 U.S.C.

§ 103(a), Applicant disagrees with the Examiner's assertions and conclusions as set

forth in the outstanding Office Action[1]. Accordingly, Applicant respectfully traverses this

rejection because a *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each

of three requirements must be met. First, the reference or references, taken alone or

combined, must teach or suggest each and every element recited in the claims. *See*

MPEP §2143.03, 8th Ed. (Rev. 2), May, 2004. Second, there must be some suggestion

or motivation, either in the references themselves or in the knowledge generally

available to one of ordinary skill in the art, to combine the references in a manner

resulting in the claimed invention. Third, a reasonable expectation of success must

exist. Moreover, each of the three requirements must " be found in the prior art, and not

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1 The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement of characterization in the Office Action.

be based on applicant's disclosure." *See* MPEP § 2143, 8th Ed. (Rev. 2), May, 2004. A *prima facie* case of obviousness has not been established because, at a minimum, the references, whether taken alone or in combination, fail to teach or suggest each and every element of the claims.

For example, Borgstahl fails to teach or suggest at least a combination including "wherein a plurality of the electronic devices and the home appliances are configured to function as hyper text transfer protocol (HTTP) servers, and accessible from the portable information device by a uniform resource locator (URL)," as recited in independent claims 1, 3, 7, 9, and 10. Borgstahl teaches a "wireless, peer-to-peer communication network" (col. 3, line 67) wherein "[e]ach peer or communication node 20 of communications network 22 may establish a personal area network (col. 4, lines 10-12). A "link may be accomplished by known RF, IR, optical or acoustic techniques" (col. 4, lines 19-20), and a peer may comprise "a personal digital assistant (PDA), television, radio, CD player, copier, facsimile machine, telephone, cellular telephone, cordless telephone, pager, watch," etc. (col. 6, lines 25-30). Borgstahl, however, fails to teach or suggest " a plurality of the electronic devices and the home appliances are configured to function as hyper text transfer protocol (HTTP) servers, and are accessible ... by a uniform resource locator (URL)," as recited in amended independent claims 1, 3, 7, 9, and 10.

Eisenhandler, cited by the Examiner at page 3 of the Office Action for allegedly teaching "remote control of appliances in various locations of the home," fails to cure the above-noted deficiency of Borgstahl. Eisenhandler teaches the use of brouters in a

home network, wherein the home network utilizes the CEBus standard. <u>See</u>
<u>Eisenhandler</u>, at col. 1, lines 17-60. In particular, <u>Eisenhandler</u> teaches "[t]he CEBus
standard employs a carrier sense multiple access protocol with contention detection and
contention resolution (CSMA/CDCR)" (col. 2, lines 10-12). Moreover, "[i]n the
exemplary embodiment, common application language (CAL) encoded sequences are
downloaded to microcomputer 31 for all of the device commands and macros
(procedures) used by devices 50-60" (col. 8, lines 52-55). <u>Eisenhandler</u>, however, fails
to teach or suggest the use of HTTP, and accordingly, fails to teach or suggest at least
"wherein a plurality of the electronic devices and the home appliances are configured to
function as hyper text transfer protocol (HTTP) servers, and accessible from the
portable information device by a uniform resource locator (URL)," as recited in
independent claims 1, 3, 7, 9, and 10.

     <u>Shteyn</u>, cited by the Examiner at page 8 of the Office Action for allegedly
teaching "a method and apparatus to provide interoperability between high data rate
and low data rate networks," fails to cure the above-noted deficiencies of <u>Borgstahl</u> and
<u>Eisenhandler</u>. In particular, <u>Shteyn</u> teaches the use of the HAVi software architecture,
which "uses the IEEE 1394 high-performance serial bus protocol for transport of control
and content among the devices connected to the network" (col. 1, lines 43-46).
Accordingly, <u>Shteyn</u> also fails to teach or suggest using HTTP, and thus fails to teach or
suggest at least "wherein a plurality of the electronic devices and the home appliances
are configured to function as hyper text transfer protocol (HTTP) servers, and

accessible from the portable information device by a uniform resource locator (URL)," as recited in independent claims 1, 3, 7, 9, and 10.

Because the references, whether taken alone or in combination, fail to teach or suggest every element recited in independent claims 1, 3, 7, 9, and 10, a *prima facie* case of obviousness has not been established. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of independent claims 1, 3, 7, 9, and 10 under 35 U.S.C. § 103(a).

Claims 4-6, and claim 8 respectively depend from respective independent claims 3 and 7, and thus require all of the respective elements of claims 3 and 7. Since Borgstahl in view of Eisenhandler and Shteyn fail to teach or suggest every element recited in independent claims 3 and 7, that combination of references also fails to teach or suggest every element required by the dependent claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 4-6, and 8 under 35 U.S.C. § 103(a).

In view of the foregoing amendments and remarks, Applicant respectfully

requests reconsideration and reexamination of this application and the timely allowance

of the pending claims.

Please grant any extensions of time required to enter this response and charge

any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: December 6, 2005       By:

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